

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, \*  
\*  
\*  
v. \*  
\*  
\*  
LISTON D. CALLWOOD, \*  
\*  
\*  
Defendant. \*

Criminal No.09-cr-10313-IT

## ORDER

July 22, 2014

TALWANI, D.J.

On August 12, 2013, Defendant Callwood filed a motion to vacate pursuant to 28 U.S.C. § 2255, arguing that his counsel was ineffective and that the sentencing judge considered impermissible factors in violation of Alleyne v. United States, 133 S. Ct. 2151 (2013). The matter was referred to a magistrate judge and on March 7, 2014, the magistrate judge filed a report recommending that this court deny the § 2255 motion. A copy of the report and recommendation was mailed to Callwood on March 7.

On March 25, 2014, this court, having received no objections to the magistrate judge's report, adopted the recommendation and denied the § 2255 motion. On April 10, however, the copy of the report sent to Callwood was returned as undeliverable because he was no longer at the same correctional facility. Accordingly, on May 30, this court vacated its previous order adopting the magistrate judge's report. The court sent a new copy of the magistrate judge's report to Callwood and ordered him to file any objections to the report by June 20, 2014. The court has received no objections as of this date. Accordingly, this court once again ACCEPTS

and ADOPTS the magistrate judge's Report and Recommendation [#66]. Callwood's Motion to Vacate, Set Aside, or Correct Sentence [#59] is DENIED.

IT IS SO ORDERED.

Date: July 22, 2014

/s/ Indira Talwani  
United States District Judge